

REMARKS

Favorable reconsideration and allowance of the present application are respectfully requested in view of the following remarks. Claims 1-34 were pending. Claims 35-44 are added in this Reply. Therefore, claims 1-44 are pending. Claims 1, 9, 15, 21 and 28 are independent.

INTERVIEW CONDUCTED

Applicant thanks the Examiner for conducting an interview with Applicant's representative on February 24, 2006.

OBJECTION TO CLAIM

The Examiner objects to claim 26 alleging that the claims should depend from claim 21 instead of claim 25. *See Office Action, item 2.* Applicant respectfully disagrees.

Claim 26 recites features of the zoom lens. It is noted that the zoom lens is first introduced in claim 25 as being included in the plurality of lens groups. As such, the dependency on claim 25 is proper.

Applicant respectfully requests that the objection to claim 26 be withdrawn.

§ 102 REJECTION – KATAGIRI

Claims 21-34 stand rejected under 35 U.S.C. § 102(e) as allegedly being anticipated by Katagiri (US Patent No. 6,839,086). *See Office Action, items 5-11.* Applicant respectfully traverses.

In this instance, Katagiri fails to teach or suggest each and every recited feature of the claimed invention. For example, independent claim 21 recites, in part, “wherein when the controller receives instructions to record the image during a movement of the plurality of lens groups from a first predetermined position to a second predetermined lens position, the controller controls the image sensor to sense the image prior to the plurality of lens groups have completed their movements to the second predetermined lens position for recording the image data into the non-volatile memory.” The Examiner alleges Katagiri teaches this feature and cites column 12, line 52 – column 13, line 61.

In the Office Action, the Examiner alleges that the memory 76 as illustrated in Figure 6 is equivalent to the memory as recited. However, Katagiri clearly discloses that the memory 76 is a RAM. *See Katagiri, column 11, lines 11-13.* In other words, the memory 76 is volatile. In contrast, claim 21 recites a non-volatile memory. This alone is sufficient to distinguish claim 1 from Katagiri.

The Examiner also alleges that the zooming operation is equivalent to the receiving of instructions to record the image. Applicant does not necessarily

agree with the Examiner. However, even under this interpretation, Katagiri fails.

Katagiri discloses that during the zooming operation, images are renewed at intervals of every 30 msec – 300 msec. The images are displayed on the liquid crystal monitor 77. When the zoom lens 72 is parked at stepping positions W, M₁, M₂ or T, image of the subject based on the first image data are displayed. *See Katagiri, column 13, lines 12-37.* It is noted that in the portion describing the zooming operation, Katagiri only indicates that the first image data are displayed on the monitor. *See Katagiri, column 13, lines 19-22.* There is no indication that the first image data is recorded in a memory of any type. Thus, even if the zooming operation of Katagiri is interpreted to be equivalent to receiving instructions to record, Katagiri fails to teach that the first image data is recorded in a memory of any type.

Applicant does note that Katagiri discloses converting the image signals of the CCD 73 into the first image data and storing the first image data into the memory 76. However, Katagiri discloses saving to the memory 76 only in the context of having the switch S₂ being turned on. The switch S₂ is turned on only when a user actually wishes to photograph an image by fully depressing the release button 111 to capture the image. Before the switch S₂ is turned on, the user initiates a focusing operation by depressing the release button 111 midway to activate the switch S₁. *See Katagiri, column 13, lines 1-12.* This is nothing more than a conventional mode of image recording operation.

As disclosed in Katagiri, the first image data is stored in the memory 76 during ranging and focusing operations (*see Katagiri, column 12, line 52 – column 13, line 12*), which are operations totally separate and apart from the zooming operation. In addition, as noted above, the memory 76 is volatile.

Clearly, Katagiri cannot teach or suggest the feature of “wherein when the controller receives instructions to record the image during a movement of the plurality of lens groups from a first predetermined position to a second predetermined lens position, the controller controls the image sensor to sense the image prior to the plurality of lens groups have completed their movements to the second predetermined lens position for recording the image data into the non-volatile memory” as recited in independent claim 21.

For at least the above stated reasons, independent claim 21 and the dependent claims 22-27 are distinguishable over Katagiri.

Independent claim 28 recites, in part “storing the image to a non-volatile memory accessible by the camera before the movement of the plurality of lens groups from the first predetermined position to the second predetermined position is completed when it is determined that the instruction to record the image is received.” It is clear that claim 28 and the dependent claims 29-34 are distinguishable over Katagiri.

Applicant respectfully requests that the rejection of claims 21-34, based on Katagiri, be withdrawn.

§ 103 REJECTION – SAKAEGI, KATAGIRI

Claims 1-5, 9-12 and 15-17 stand rejected under 35 U.S.C. 103(a) as being unpatentable over Sakaegi, et al. (USP 6,266,083) in view of Katagiri. *See Office Action, items 12-22.* Applicant respectfully traverses.

Claim 1 recites, in part “a controller electronically controlling the memory and movement of the lens groups, the controller having program logic defining a plurality of operation modes, the logic upon power initiation determining an operation mode, and if the mode is determined to be an image recording mode, the logic causing the controller to commence moving the lens groups to initialization positions and perform initialization processing for enabling image recording, and after completion of the initialization processing for enabling image processing, upon receipt of a command for image recording, control the memory to store data in accordance with the electronic information presently available from the image sensor before the lens group have arrived at the initialization positions” As recited, the plurality of lenses are moved to their initialization positions upon power initiation of the camera. However, even if the movements of the lenses to the initialization positions are not completed, image recording, i.e. photographing, is allowed.

The Examiner admits that Sakaegi does not teach or suggest at least this feature. However, contrary to the Examiner’s allegation, Katagiri cannot cure this deficiency of Sakaegi. Katagiri discloses that the camera enters an active status when the main switch S_M is turned on by a user pushing a main switch

button 122. In other words, power initiation occurs when the switch S_M is turned on. Upon entering the active status, the zoom lens is extended to a position W as illustrated in Figure 11 and stopped. *See Katagiri, column 10, lines 63-66.* At this time, electrical power is fed to the circuits of the camera to activate them. However, Katagiri is entirely silent regarding whether the camera is capable of receiving and carrying out instructions to record images during the time the main switch S_M is turned on to the time where the zoom lens is extended to the position W.

Indeed, the suggestion is quite the opposite. Katagiri states that when the camera enters active status, the CCD 73 does **not** perform photo-electric conversion even if the subject image is incoming to the CCD 73. *See Katagiri, column 10, lines 52-62.* Katagiri also states that the zoom lens 72 is extended and **stopped** at position W – the initialization position after power up. *See Katagiri, column 10, lines 63-67.*

Katagiri details the possible operations to capture the image **after** the initialization position W is reached. Katagiri states “Next, there will be described the performance of the digital camera when the zoom lens is **stopped at the reference position W after being extended from the stored position** in the body.” *Emphasis added; See Katagiri, column 12, lines 52-55 and on.*

Thus, contrary to the Examiner’s allegation, it is clear that Katagiri cannot cure the above-noted deficiency of Sakaegi. Therefore, for at least this

reason, independent claim 1 and 2-5 are distinguishable over the combination of Sakaegi and Katagiri.

Independent claim 9 recites, in part “determining an operation mode upon power initiation” and “after completion of initializing the image sensing system, upon receipt of a command to record an image, recording an electronic information representing the image presently available from the image sensing system prior to the lens groups arriving at the initialization positions.” It is clear that claim 9 and the dependent claims 10-12 are distinguishable over the combination of Sakaegi and Katagiri.

Independent claim 15 recites, in part “if the operation mode has changed to an image recording mode, then ... after completion of initializing the image sensing system, upon receipt of a command to record an image, recording an electronic information represent the image presently available from the image sensing system prior to the lens groups arriving at the initialization positions.”

In the Office Action, the Examiner alleges that the action of powering up the camera, i.e. changing the camera from an off mode to on mode, is equivalent to the operating mode being changed and that Sakaegi teaches entering into a recording mode upon power up. *See Office Action, page 13, lines 1-2.* Applicant does not necessarily agree.

Regardless, the Examiner admits that Sakaegi does not teach the feature of the being able to record images prior to the lenses arriving at their initialization positions after power up. However, as demonstrated above,

Katagiri is similarly deficient. Therefore, independent claim 15 and the dependent claims 16-17 are distinguishable over the combination of Sakaegi and Katagiri.

The dependent claims are distinguishable on their merit as well. Further, Applicant respectfully challenges the Official Notice taken regarding claims 11 and 17 and request that the Examiner provide a valid prior art reference to support his assertion.

Applicant respectfully requests that the rejection of claims 1-5, 9-12 and 15-17 based on Sakaegi and Katagiri be withdrawn.

§ 103 REJECTION – SAKAEGI, KATAGIRI, HIRASAWA

Claims 6-8, 13-14 and 18-20 stand rejected under 35 U.S.C. 103(a) as being unpatentable over Sakaegi in view of Katagiri and in further view of Hirasawa (US Patent No. 5,424,776). *See Office Action, items 23-27.* Applicant respectfully traverses.

Claims 6-8, 13-14 and 18-20 depend from independent claims 1, 9 and 15, directly or indirectly. It has been demonstrated above that claims 1, 9 and 15 are distinguishable over the combination of Sakaegi and Katagiri. Hirasawa is not relied upon to cure the above-noted deficiencies of Sakaegi and Katagiri. Therefore, claims 1, 9 and 15 are distinguishable over the combination of Sakaegi, Katagiri and Hirasawa. Then for at least due to the dependency

thereon, claims 6-8, 13-14 and 18-20 are also distinguishable over the combination of Sakaegi, Katagiri and Hirasawa.

Applicant respectfully requests that the rejection of claims 6-8, 13-14 and 18-20 based on Sakaegi, Katagiri and Hirasawa be withdrawn.

NEW CLAIMS

Claims 35-44 are added. The new claims are believed to be distinguishable over the cited references, individually or in any combination, for at least due to their dependency on the allowable independent claims. Applicant respectfully requests that the new claims be allowed.

CONCLUSION

All objections and rejections raised in the Office Action having been addressed, it is respectfully submitted that the present application is in condition for allowance. Should there be any outstanding matters that need to be resolved, the Examiner is respectfully requested to contact Hyung Sohn (Reg. No. 44,346), to conduct an interview in an effort to expedite prosecution in connection with the present application.


If necessary, the Commissioner is hereby authorized in this, concurrent, and future replies, to charge payment or credit any overpayment to Deposit Account No. 02-2448 for any additional fees required under 37 C.F.R. §§ 1.16 or 1.17; particularly, extension of time fees.

Respectfully submitted,

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